



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

IRVIN JEFFERSON WILSON,
aka Irvin Jefferson Wilson,
Plaintiff,

vs.

OFFICER BRAHAM;
BENJAMIN COTHRAN;
MICHAEL ONELL; OFFICER COLLIER;
OFFICER MUÑOZ; CHARLES COTHRAN;
SHERIFF STEVE LOFTIS, Police Officer;
Greenville Law Enforcement;
STATE OF SOUTH CAROLINA;
E. POWERS PRICE, Esquire;
ALEX STALVEY, Esquire;
ALLEN WILSON, Attorney General,
State of SC; W. WALTER WILKINS,
Solicitor; MARK MOYER, Assistant
Solicitor; Thirteenth Judicial Circuit;
KNOX WHITE, Mayor, Greenville, S.C.;
DARREN VAUGHN; EDWARD IRICK;
OFFICER HARVELL; KITTY HYATT;
S. BROWN; WAYNE SHEPARDSON,
Foreman, Grand Jury, Thirteenth Judicial
Circuit, Greenville, South Carolina;
Defendants.

§ CIVIL ACTION NO. 6:15-4835-MGL

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE COMPLAINT WITHOUT PREJUDICE

This is a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge

suggesting to the Court that Plaintiff's action be dismissed without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 29, 2016, but Plaintiff failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Plaintiff's action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 29th day of March, 2016, in Columbia, South Carolina.

s/ Mary G. Lewis

MARY G. LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.